

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**VIRGINIA G. NUNN,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE, Commissioner of  
Social Security;**

**Defendant.**

**CASE NO. 4:11CV3051**

**ORDER**

This matter is before the Court on the Plaintiff's Motion for Attorney Fees (Filing No. 24). The request is made under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The Defendant responded, stating that he does not object to the dollar amount. However, the Defendant notes the procedure described in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010) (holding that an EAJA fee award is payable to the litigant and therefore subject to a government offset to satisfy a pre-existing debt owed to the federal government). See *Stephens v. Astrue*, No. 4:09CV04027, 2010 WL 3522434, at \*\*2-3 (W.D. Ark. Sept. 2, 2010) (awarding EAJA fees directly to the plaintiff, noting that, however, if the plaintiff executed an assignment to counsel of all rights in an attorney fee award and if the plaintiff owed no outstanding debt to the federal government the fee should be awarded to counsel). Once the Court awards the EAJA fee to the Plaintiff, the Assistant United States Attorney shall verify whether the Plaintiff owes a debt to the United States that is subject to offset. Assuming no debt is owed, the fee will be made payable to Plaintiff and sent to the address of her counsel.

The Court will grant the motion, and the fee will be awarded to the Plaintiff under the procedure followed in *Ratliff* and its progeny.

IT IS ORDERED:

1. The Plaintiff's motion for attorney fees (Filing No. 24) is granted;
2. Attorney fees in the amount of \$1,281.98 are payable to the Plaintiff; and
3. The Defendant will submit a check made payable to the Plaintiff in the amount of \$1,281.98, less any debt owed by the Plaintiff to the United States offset against such fees, to Plaintiff's counsel of record.

Dated this 14<sup>th</sup> day of February, 2013.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge